

Applicant : Steve Anderson Platt
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REMARKS

Claims 1-37 and 39-70 are pending in the present application. The proposed amendment is to place the application in better condition for appeal.

Applicant would like to thank the Examiner for the indication that claims 1-8 are in condition for allowance and that claims 11-14, 20-23, 46-49 and 58-70 have been indicated as being allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Accordingly, the present amendment rewrites claims 11, 20, 46 and 58 into independent form and to correct a typo to assure their allowance following appeal. Additionally, claims 12-14 depend from claim 11, claims 21-23 depend from claim 20, claims 47-49 depend from claim 46 and claims 59-70 depend from claim 58. Therefore, claims 11-14, 20-23, 46-49 and 58-70 are believed to be in condition for allowance.

Claim 34 has been amended to expressly state that the hub is on the rod and to provide for consistent terminology.

In the Office Action, the drawings and specification have been objected to as not showing every feature of the invention specified in the claims and for failing to provide proper antecedent basis for the claimed subject matter, respectively. Specifically, according to the Office Action, the drawings do not disclose two spars comprising at least six spars and a generator located upwind of the spars. First, Figs. 1, 2, 6 and 13 all disclose eight spars 98. Therefore, all of the noted drawings include at least six spars. Second, according to the specification, air foils 16 are connected by spars 98 to a horizontal leg 96 of a wind powered generator 12. See line 30 of page 9. The specification states that "the wind powered generator 12 includes eight airfoils 16 and associated spars 98 with at least air foils 16 being preferred, and it is contemplated that the wind powered generator 12 could have two or more airfoils 16." Lines 19-21 of page 12 of the specification. Accordingly, the specification states that the wind powered generator 12 can include at least six air foils 16 and associated spars 98. Accordingly, Applicant submits that the drawings and the specification include the claimed subject matter.

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The drawings and specification have also been objected to for not showing in the drawings and not providing antecedent basis in the specification for a generator located upwind of spars. First, one skilled in the art looking at Figs. 1, 2 and 6 would recognize that, because of the curvature of the airfoils 16, wind must first pass the generator 18 before reaching the air foils 16. Accordingly, the drawings disclose a generator located upwind of the spars and the airfoils. Second, the specification states that the generator is located upwind of the spars on line 20 of page 2, line 5 of page 18 and claim 39. Furthermore, lines 23-28 of the specification have been amended to state that the generator 190 is located upwind of the airfoil 16 and that the generator 190 can be located upwind because of the low rotational speed of the air foil 16 of the wind powered generator 12 and because the air foils 16 are spaced from the hub 132 and therefore any turbulence created by the generator 190 will not affect airfoils 16. One skilled in the art, after reviewing the entire application as filed, would recognize that the generator 190 would only create turbulence in the direction of the airfoil 16 if the generator 190 was located upwind of the airfoil 16. Accordingly, the specification has been amended to state what would be recognized by one skilled in the art after reading the entire specification as filed. Finally, Figs. 2 and 14 have been changed by adding the number 176 to Fig. 2 to show the upwind face 176 of the airfoil 16 by deleting the number 176 from Fig. 14. Accordingly, Applicant submits that the objection to the drawings and specification are obviated.

In the final Office Action, claim 38 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and the enablement requirement. Applicant has cancelled claim 38 to expedite appeal.

Applicant submits that the application is now in proper condition for appeal and requests that all of the present amendments be entered of record. All of the present rejections of the claims will be addressed in an Appeal Brief filed for appeal.

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Respectfully submitted,

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12/29/03
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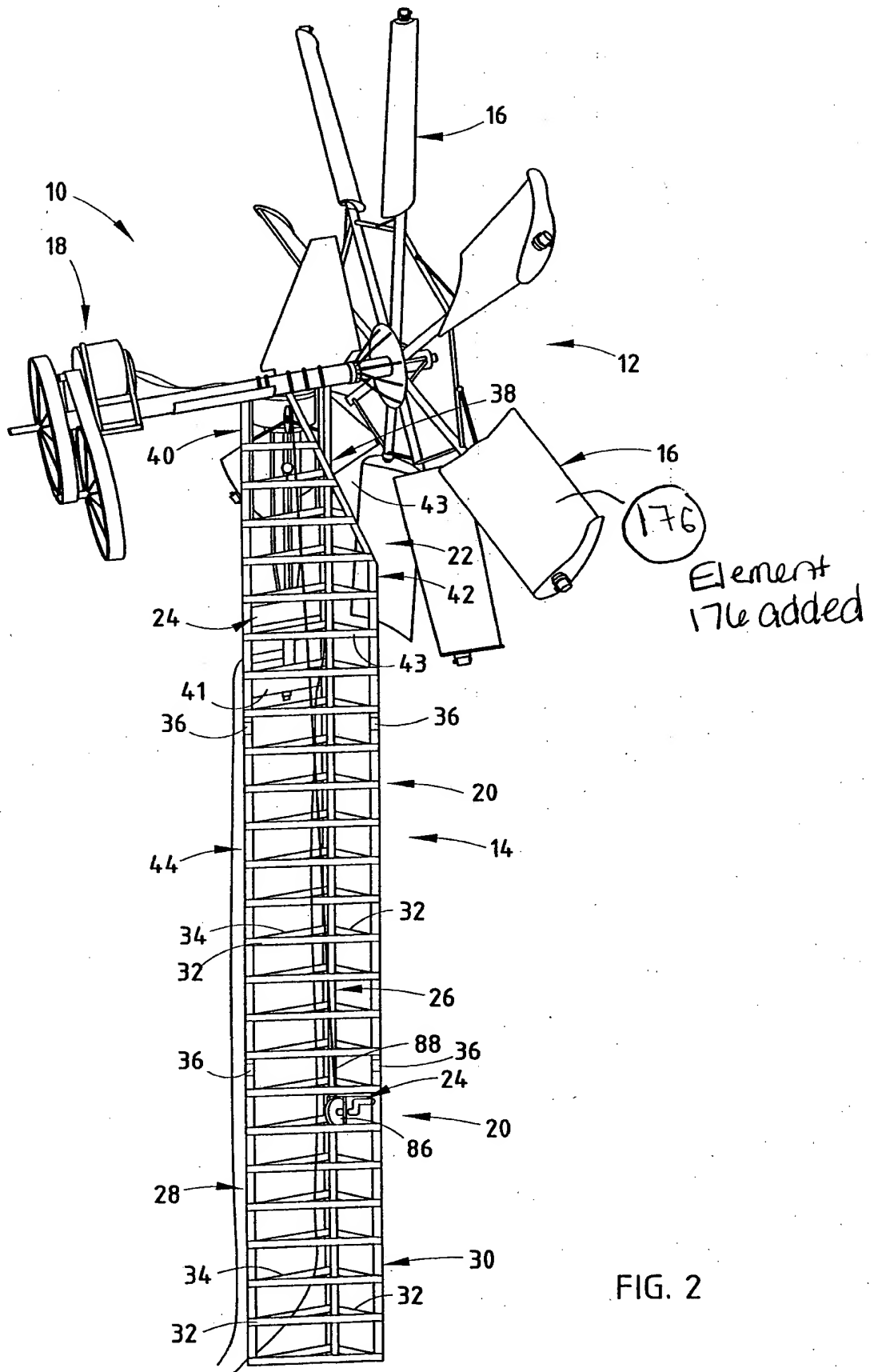


FIG. 2

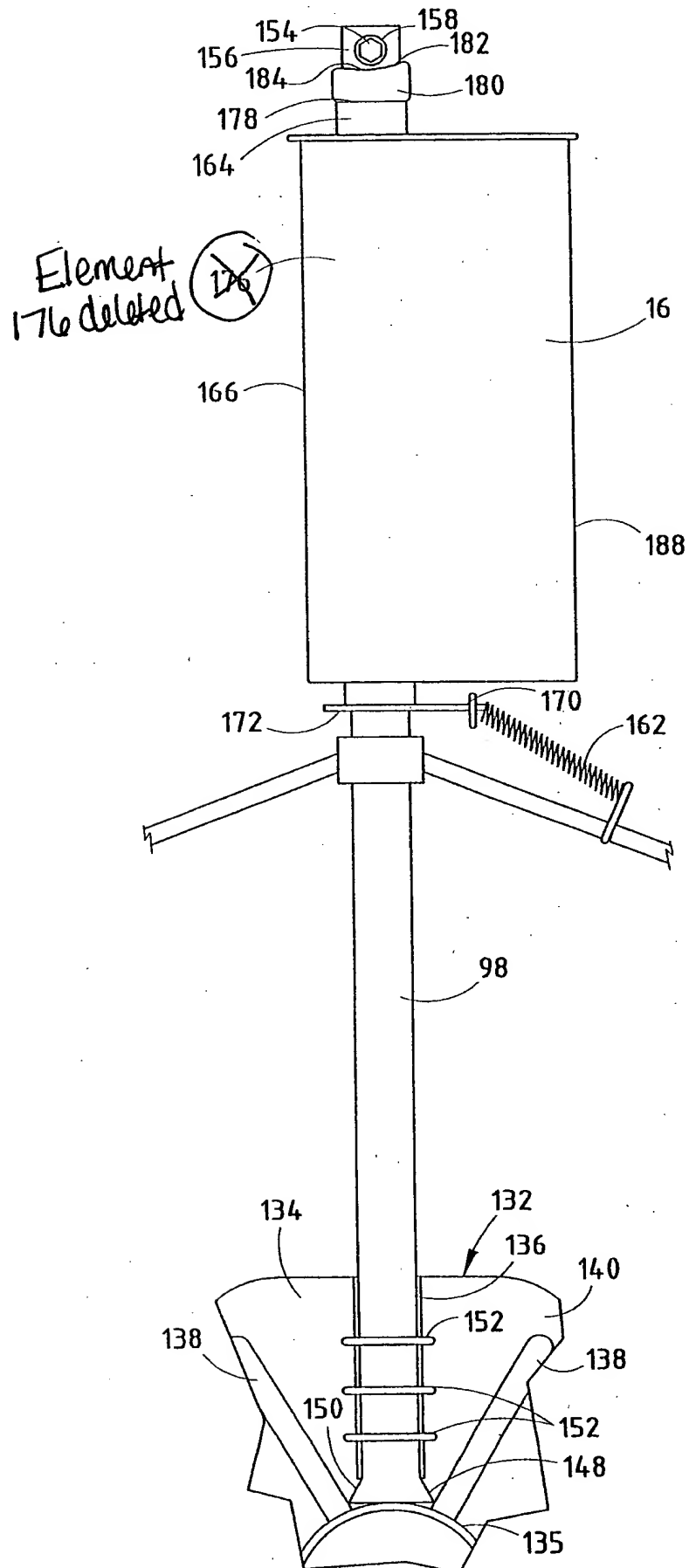


FIG. 14